

**UNITED STATES DISTRICT COURT
DISTRICT OF VERMONT**

ANNABETH ROSE HOSTETTER,)
A minor, by and through her natural parents,)
ASHLEY and ALEXIS HOSTETTER, and)
ASHLEY HOSTETTER and ALEXIS)
HOSTETTER, individually,)
Plaintiffs,) Case No. 2:21-cv-00052-cr
v.)
UNITED STATES OF AMERICA,)
Defendant.)

STIPULATED EMERGENCY MOTION TO EXPEDITE CONSIDERATION OF
MOTION TO VACATE ORDER OF DISMISSAL AND REOPEN CASE

Plaintiffs Ashley and Alexis (Warren) Hostetter move the Court to expedite consideration of the Joint Motion to Vacate Order of Dismissal and Reopen Case (Doc. No. 35) that was filed on this same date.

As discussed in greater detail in the Motion to Vacate, the death of Annabeth Rose Hostetter has nullified the previous settlement reached by the parties, and numerous steps to complete a new settlement cannot take place until the previous Order of Dismissal with Prejudice (Doc. No. 34) is vacated and the case reopened. As Plaintiffs cannot access the funds from the previous settlement at this time a number of exigent circumstances have arisen that create an emergency.

Ms. Hostetter has been seeking approval and funding of settlement of this matter since August 3, 2022. During that time Ms. Hostetter was able to secure housing for her family, which included Annabeth and three other children under the age of 4, on the promise that she would

fund a house closing when settlement funds became available while living in the home prior to closing. The selling homeowner has understandably become inpatient, and due to numerous factors that are time based, Ms. Hostetter and her family are at imminent risk of eviction if funding cannot be secured in the short term. Plaintiffs also have the immediate and substantial expenses of a funeral and burial of Annabeth.

An expedited decision on the Rule 60 Motion will allow the parties to take constructive steps to secure an expedited approval of a new settlement that would provide funding to Plaintiffs to attend to the exigent circumstances described above. Counsel for Plaintiffs has conferred with counsel for the United States who does not object to this Motion. For the foregoing reasons Plaintiffs request that the Court grant this emergency motion and expedite its decision on the Joint Motion to Vacate Order and Reopen Case.

Dated at Manchester Center, in the District of Vermont, this 2nd day of March, 2023.

Respectfully submitted,

HARDING MAZZOTTI, LLP

By:

David J. Pollock /s/

David J. Pollock, Esq.
5046 Main Street
Manchester Center, VT 05255
802-375-1122

Attorneys for the Plaintiffs